end of the catheter tubular body for reception of the medical device, the pod being integrally formed with the catheter tubular body and including a thin-walled distal portion of the catheter tubular body of reduced wall thickness relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body. The medical catheter further comprises a deployer movable through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod.

Independent Claim 35 is directed to a delivery system for transvascular deployment of a medical device, the system comprising a catheter. The catheter comprises an elongate catheter tubular body having a proximal end and a distal end. A tubular medical device embracing pod is located at the distal end of the catheter tubular body for reception of the medical device, the pod being integrally formed with the catheter tubular body and including a thin-walled distal portion of the catheter tubular body of reduced wall thickness relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body. The delivery system comprises a deployer movable through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod, and an associated separate loading device which is operable to collapse the medical device from an expanded in-use position to a collapsed position for reception within the pod.

Dwyer discloses a device for delivering, positioning and releasing, within a body lumen, a self-expandable implant (*see* Abstract; Claim 1). The delivery device comprises a control handle that is associated with a sheath, ***where the sheath can be advanced and withdrawn relative to the positioning tube***, causing compression and recapture of a portion of the implant (*see* FIG. 10B; col. 7, ll. 35-38, 46-49).

Referring to FIG. 5 and the accompanying description at column 6 of Dwyer, lines 50 et seq., the stationary stay 28 maintains engagement with the trailing end of the anchor 12, thereby preventing rearward movement of the implant assembly while the sheath is withdrawn. As the sheath is progressively withdrawn and the trailing anchor 12 emerges from the distal end of the

pod 23, the anchor expands into engagement with the inner luminal surface of the blood vessel while simultaneously expanding the distal end of the graft.

As indicated above, the present claimed invention as defined by independent Claims 29 and 35, comprises ***a deployer which is movable through the pod to move the medical device***. Dwyer does not teach or suggest at least this feature. Specifically, in Dwyer, the sheath (pod) is moved relative to the positioning tube to reveal the medical device using a stationary stay 28, which is different from the delivery device of the present invention, where a deployer, not the sheath, is movable to reveal the medical device.

Moreover, Claims 29 and 35 of the present invention recite a thin-walled distal portion of the catheter tubular body of ***reduced wall thickness*** relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body. Dwyer also fails to teach this feature. As can be seen from Fig. 5 of Dwyer, the pod 23 appears to have the ***same wall thickness*** as the proximal portion 22 of the catheter tubular body. As such, the pod would likely have the same flexibility as the proximal portion of the catheter tubular body.

In light of the above, Dwyer fails to teach Claims 29 and 35 of the present invention, and as such, fails to anticipate Claims 29 and 35. Claims 30-34 and 36-42 depend from Claims 29 and 35, respectively. Claims 30-34 and 36-42 are patentable over Dwyer for at least the same reasons Claims 29 and 35 are patentable over Dwyer.

In light of the above, withdrawal of the rejections of Claims 29-42 under 35 U.S.C. § 102(e) over Dwyer are respectfully requested.

Response to Claim Rejections Under 35 U.S.C. § 103

Referring to pages 4-5 of the Office Action, Claims 31, 34, 39-40 and 41-42 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Dwyer. Applicants traverse for the following reasons.

As discussed above, Dwyer fails to teach or suggest a delivery device where a deployer is movable through the pod to move the medical device, as recited in Claims 29-42 of the present

invention. Rather, the delivery device of Dwyer operates differently, where the sheath is movable relative to the positioning tube. There is no disclosure in Dwyer that would teach or suggest to a person having ordinary skill in the art a medical catheter or a delivery system that comprises a deployer movable through the pod that is capable of moving the medical device, as recited in Claims 29-42 of the present invention.

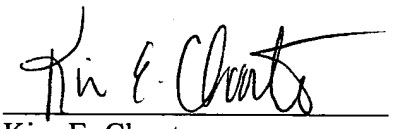
Moreover, Dwyer fails to suggest a thin-walled distal portion of the catheter tubular body of ***reduced wall thickness*** relative to a proximal portion of the catheter tubular body, and the pod having a greater flexibility than the proximal portion of the catheter tubular body, as recited in Claims 29-42 of the present invention. Rather, as disclosed in Fig. 5 of Dwyer, the pod 23 appears to have the ***same wall thickness*** as the proximal portion 22 of the catheter tubular body, and therefore, the pod would likely have the same flexibility as the proximal portion of the catheter tubular body.

In light of the above, Dwyer fails to render Claims 29-42 prima facie obvious. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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